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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,302	02/15/2001	Gregory Sheldon	TI11-001	1499
21567	7590	03/31/2005	EXAMINER	
WELLS ST. JOHN P.S. 601 W. FIRST AVENUE, SUITE 1300 SPOKANE, WA 99201			LASTRA, DANIEL	
			ART UNIT	PAPER NUMBER
			3622	

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/788,302	<b>Applicant(s)</b> SHELDON ET AL.	
	<b>Examiner</b> DANIEL LASTRA	<b>Art Unit</b> 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. Claims 1-6 and 8 have been examined. Application 09/788,302 (Integrated frequency and award redemption program for installment based receivables behavior modification and customer loyalty management) has a filing date 02/15/01.

***Response to Amendment***

2. In response to Final Rejection filed 08/18/04, the Applicant filed an RCE, amended claims 1-6, cancel claim 7 and added new claim 8.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Murcko, Jr. (US. 6578,014).

As per claim 1, Murcko teaches:

A *lender-based* method for implementing an on-line incentive program for *selected* members who are making installment payments, said method comprising:

*Identifying at least one selected member making installment payments as a candidate for an incentive program to affect behavior* (see column 39, lines 60-67);

providing a *lender-based* Internet webpage accessible to at least *one selected* member, via a computer system, for on-line interactive communications between said *selected* member and said *lender-based* Internet webpage (see column 12, lines 44-60);

offering, on said *lender-based* Internet webpage, installment payment schedule information to said *selected* member (see column 21, lines 55-65; column 26, lines 55-65);

providing a *pre-enrollment file identifier* of the at least *one selected member* to the *incentive program computer system* (see column 25, lines 35-60);

providing said *selected member notice of eligibility for the incentive program* (see column 23, line 60 – column 24, line 7);

receiving an *enrollment request* from said *selected member* (see column 23, lines 45-67);

receiving *identifier data and payment behavior data* of the *selected member* (see column 26, lines 56-65; column 29, lines 60-65);

determining whether said *selected member* qualifies for one or more *non-cash* award points based on said *selected member payment behavior data* (see column 39, lines 34-45);

calculating said *non-cash* award points according to a preprogrammed formula if said *selected member* qualifies for said *non-cash* award points and issuing said *non-cash* award points to an account of the *selected member* if the *selected member* qualifies for said *non-cash* award points, wherein said *non-cash* award points are

redeemable by the *selected* member for a *non-cash* award (see column 39, lines 34-44; column 28, lines 62-65).

As per claim 2, Murcko teaches:

A *lender-based* method for implementing an on-line incentive program for *selected* members who are making installment payments as recited in claim 1, said method further comprising the step of offering, on said *lender-based* Internet webpage, electronic installment payment capability to said *selected* member (see column 39, lines 60-67).

As per claim 3, Murcko teaches:

A *lender-based* method for redeeming incentive *non-cash* awards in an on-line incentive program, said method comprising the following:

*Identifying at least one selected member making installment payments as a candidate for an incentive program to affect behavior;*

implementing a *lender-based* Internet webpage accessible, via a computer system, to at least one *selected* member of said on-line incentive program for on-line interactive communications between said *selected* member and said *lender-based* Internet webpage;

*providing a pre-enrollment file identifier of the at least one selected member to the incentive program computer system;*

*providing said selected member notice of eligibility of the incentive program;*

*receiving an enrollment request from said selected member;*

*receiving identifier data and payment behavior data of the selected member;*

*determining whether said selected member qualifies for one or more non-cash award points based on said selected member payment behavior data;*

*implementing an on-line incentive program that issues non-cash award points to selected members who are making installment payments, wherein said non-cash award points are redeemable by said selected members for a non-cash award;*

*offering, at least one redeemable non-cash award available to said selected member for exchange of said non-cash award points; and permitting said selected member to initiate a process to receive said at least one redeemable non-cash award for exchange of said non-cash award points issued to said selected member through said on-line incentive program.*

The same rejection applied to claim 1 is applied to claim 3.

Claim 4 contains the same limitation as claim 1 therefore the same rejection is applied.

Claim 5 contains the same limitation as claim 2 therefore the same rejection is applied.

Claim 6 contains the same limitation as claim 3 therefore the same rejection is applied.

*As per claim 8, Murcko teaches:*

*A lender-based method for implementing an on-line incentive program for selected members who are making installment payments as recited in claim 1, and further wherein the payment behavior data is one or more timely installment payments (see column 36, lines 45-63; column 26, lines 51-65).*

***Response to Arguments***

4. In response to Final Rejection filed 08/18/04, the Applicant filed an RCE, amended claims 1-6, cancel claim 7 and added new claim 8.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- The article Fannie Mae Program Ignites MBS Players' Ire, (Mortgage-Backed Securities Letter, October 11, 1999; page 1) teaches timely reward program
- Lawlor (US 5,870,724) teaches an online banking system with installment payment capabilities.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 703-306-5933. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W STAMBER can be reached on 703-305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

The Examiner is scheduled to move to the new Alexandria office in April 2005 (or later). The Alexandria phone number would be 571-272-6720 and RightFax number 571-273-6720. The examiner's supervisor, Eric W. Stamber, new Alexandria number would be 571-272-6724. The current numbers would be in service until the move.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DL

Daniel Lastra  
March 15, 2005

Yeholtega Rette  
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